

FILED

APR 13 2011

CITY CLERK

SPECIAL ORDINANCE NO. 12, 2011

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-12 1, thereof, District Maps, is hereby amended to read as follows:

Lots Numbered Seventy-eight (78), Seventy-nine (79) and Eighty (80) in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana Patton Park, Terre Haute, Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Parcel #: 84-06-26-479-014.000-002 and 84-06-26-479-015.000-002

Commonly known as 3224 Putnam St., Terre Haute, IN 47803.

be and the same is, hereby established as an R-3 General Residence District/Apartments together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member, _____
Patrick Ralston, Councilperson

Passed in open Council this ____ day of _____, 2011.

John Mullican, President

ATTEST:

Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this ____ day of _____, 2011.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2011.

Duke A. Bennett, Mayor

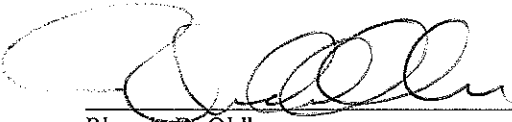
ATTEST:

Charles P. Hanley, City Clerk

This instrument prepared by:

Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Rhonda D. Oldham

PETITION TO REZONE REAL PROPERTY #12

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Michael R. Pick, Manager of M&P Properties Group, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Numbered Seventy-eight (78), Seventy-nine (79) and Eighty (80) in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana Patton Park, Terre Haute, Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

Parcel #: 84-06-26-479-014.000-002 and 84-06-26-479-015.000-002

Commonly known as 3224 Putnam St., Terre Haute, IN 47803.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as aR-1 Single Family.

Your petitioner would respectfully state that the real estate is now R-1 Single Family. Your petitioner intends to use the real estate as multi-family residential.

Your petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District/ Apartments. Your petitioner would allege that such use would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-3 General Residence District/Apartments of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 12 day of Aug, 2011.

M&P Properties Group, LLC

BY: 

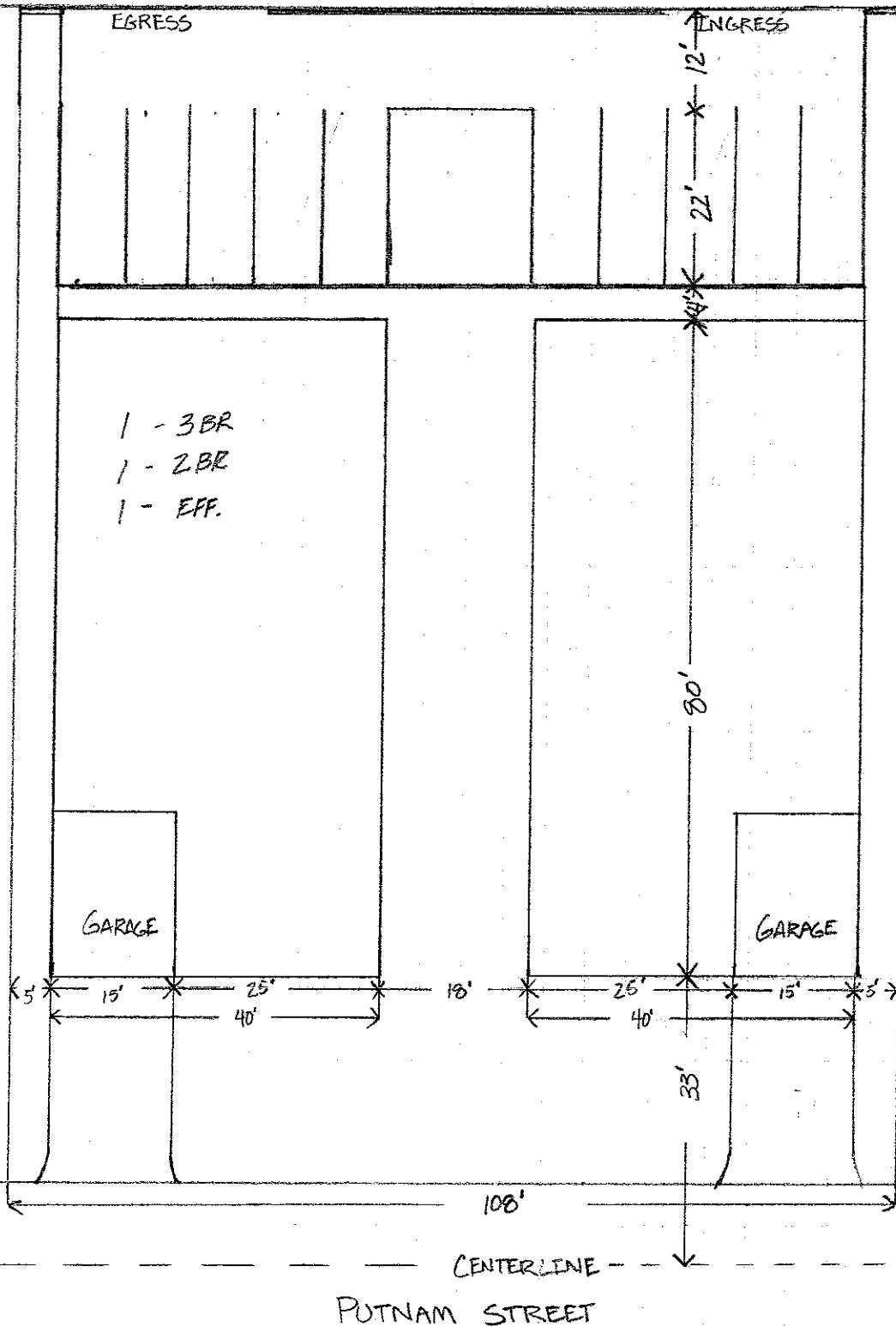
Michael R. Pick, Manager

PETITIONER: M&P Properties Group, LLC 3396 Golfview Court, Terre Haute, IN 47802

This instrument was prepared by:

Rhonda D. Oldham, BRAMES & OLDHAM, 191 Harding Av., Terre Haute, IN 47807

NEIGHBORING HOUSE ON THIS
SIDE HAS 31' SETBACK FROM CENTERLINE



AFFIDAVIT OF:

COMES NOW affiant, M&P Properties Group, LLC and affirms under penalty of law that affiant is the owner of record of the property located at 3224 Putnam Street, Terre Haute, IN 47803 for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

M&P Properties Group, LLC

By:  _____
Michael R. Pick, Manager

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

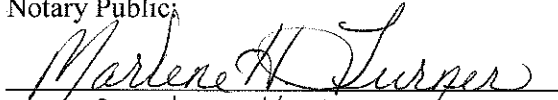
Personally appeared before me, a Notary Public in and for

said County and State, Michael R. Pick, Manager of M&P Properties Group, LLC who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 12 day of 4, 2011.



Notary Public:


Marlene H. Turner

My Commission Expires: 12-27-17

My County Of Residence: Vigo

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAR 09 2011

Timothy M. Spence
VIGO COUNTY AUDITOR

2011003026 WD
03/09/2011 11:10:37A 2 PGS \$18.00
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH that **Brian L. Mundell**, "Grantor" of VIGO County, State of Indiana, CONVEYS, GRANTS, AND WARRANTS to **M&P Properties Group, LLC**, "Grantee" of Vigo County, State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County in the State of Indiana, to-wit:

Parcel 1:

Lot Number Seventy-eight (78), in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana Patton Park, Terre Haute, Vigo County, Indiana.

Parcel 2:

Lots Numbered Seventy-nine (79) and Eighty (80) in Patton Park, being a Subdivision of the North half of the South half of the Southeast quarter of Section 26, Township 12 North, Range 9 West, in Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate, as well as rights of way for drainage tiles, ditches, feeders and laterals, if any.

DATED this 4 day of March, 2011.

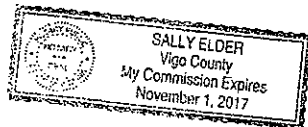
Brian L. Mundell
Brian L. Mundell

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 4 day of March, 2011, personally appeared Brian L. Mundell, and acknowledged the execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:



Sally Elder
Notary Public
Printed: _____
Residing in _____ County

Mail Tax Statements To Grantee at: 3396 Golfview Court Terre Haute IN 47802

Mail Deed To: Integrity Title Services, 1721 Wabash Ave., Terre Haute, IN 47807

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

John A. Gurchiek, Esq.

This instrument was prepared by: John Gurchiek of GURCHIEK LAW, INC., P.O. Box 20831, Indianapolis, IN 46220, at the specific request of the parties of their authorized representatives based solely on information supplied by one or more of the parties to this conveyance. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of this instrument.
CMT: 11 0309GT